

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

RODNEY FOSTER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:22-cv-00915
	)	
SAIA LOGISTICS SERVICES, LLC,	)	
	)	
Defendant.	)	

**NOTICE OF REMOVAL**

Notice is hereby given that, pursuant to 28 U.S.C. §§ 1331, 1441(a), and 1446, Defendant Saia Logistics, LLC (formerly known as Saia Logistics Services, LLC) (“Saia”) hereby removes this action from the Circuit Court of St. Louis County, Missouri to the United States District Court for the Eastern District of Missouri, Eastern Division. In support thereof, Saia states the following as grounds for removal of this action:

**PLEADINGS, PROCESS, AND ORDERS**

1. On August 1, 2022, Plaintiff Rodney Foster (“Plaintiff”) filed a one-count Petition (“Petition”) in the Circuit Court of St. Louis County, Missouri, Case No. 21SL-CC03491 (hereinafter “the State Court Action”), alleging violation of the “Family [and] Medical Leave Act” of 1993, as amended, 29 U.S.C. § 2601, *et seq.* (“FMLA”)
2. In his Petition, Plaintiff alleges that Saia unlawfully retaliated against him for exercising his rights under the FMLA by terminating his employment.
3. Pursuant to 28 U.S.C. § 1446(a), attached hereto as **Exhibit A** is a true and correct copy of all process, pleadings, and orders served on Saia.

4. Pursuant to E.D.Mo. L.R. 2.03, attached hereto as **Exhibit B** is a true and correct copy of the docket sheet and entire file of record with the Court in the State Court Action.

5. There are no motions currently pending in the State Court Action.

#### **TIMELINESS OF REMOVAL**

6. Saia was served with a copy of the Petition, which raises a federal claim for the first time, on August 3, 2022. Therefore, this Notice of Removal is timely under 28 U.S.C. § 1446(b) because it is filed within thirty (30) days of service of a copy of the Petition on Saia in the State Court Action.

#### **VENUE**

7. This action is properly removed to this Court because the State Court Action is pending in the Circuit Court of St. Louis County, Missouri, which is within this District and Division. 28 U.S.C. § 1441(a); 28 U.S.C. § 105(a)(1).

#### **GROUND FOR REMOVAL**

A. **Removal is proper because this Court possesses original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1441(a) over Plaintiff's FMLA claim**

8. In Count I of the Petition, Plaintiff alleges a claim for retaliation in violation of the FMLA, a federal statute. Petition, ¶¶ 11-16.

9. This court has original jurisdiction over Count I under 28 U.S.C. §§ 1331 and 1441(a) because it arises under the laws of the United States, specifically The Family and Medical Leave Act of 1993, Section 29 U.S.C. § 2601, *et seq.*

#### **SATISFACTION OF OTHER PROCEDURAL REQUIREMENTS FOR REMOVAL.**

10. In accordance with 28 U.S.C. §1446(d), promptly after filing this Notice of Removal, and on this same date, Saia will be filing a notice and a copy of this Notice of Removal

with the Circuit Court of St. Louis County, Missouri, and serving Plaintiff with a copy of this Notice of Removal.

WHEREFORE, Defendant Saia Logistics, LLC, (formerly known as Saia Logistics Services, LLC) removes the State Court Action from the Circuit Court of the County of St. Louis, Missouri to the United States District Court for the Eastern District of Missouri, Eastern Division, so that this Court may assume jurisdiction over the cause as provided by law.

Respectfully submitted,

**BRYAN CAVE LEIGHTON PAISNER LLP**

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**Attorneys for Defendant Saia Logistics, LLC**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on September 1, 2022, a true and correct copy of the foregoing Notice of Removal was served via electronic and regular U.S. Mail, postage prepaid, addressed to the following:

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